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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,835	04/26/2001	Janani Janakiraman	AUS920010095US1	8492

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EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/12/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/842,835

Applicant(s)

JANAKIRAMAN ET AL. 

Examiner

Nhon (Gary) D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to Amendment A, filed 04/08/2004.
2. Claims 1-33 are pending in this application. Claims 1, 8, and 15 are independent claims.

In the Amendment A, claims 22-33 are added. This action is made non-final.

Claim Objections

3. Claims 16 and 17 are objected to because of the following informalities:

Claim 16 should be dependent on claim 15 and claim 17 should be dependent on claim

16.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6, 22, 23, 31, 8, 9, 13, 24, 32, 15, 16, 20, 25, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. ("Barber", US 5,751,286) in view of Fodor et al. ("Fodor", US 6,309,822).

As per independent claim 1, Barber teaches a method for presenting graphical data to a user, comprising the steps of:

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analyzing a set of graphical data to determine a set of critical factors present in the graphical data (col. 6, line 30 – col. 7, line 13);

ranking the determined critical factors according to respective priorities set for each of the critical factors (col. 14, lines 44-67); and

Barber teaches generating a set of graphical data, ordered according to the priority of the respective critical factor (col. 14, lines 65-67 and col. 9, lines 57-61). However, Barber does not disclose a textual description of the set of graphical data. Fodor discloses image analysis software converts the scanned array images into text files (col. 10, lines 27-28). It would have been obvious to an artisan at the time of the invention to use the teaching from Fodor of providing a textual description of the set of graphical data in Barber's system since it would enable Barber's system to be used by sight impaired people.

As per claim 2, which is dependent on claim 1, Barber teaches the set of critical factors and the textual description are selected according to a selected mode (col. 9, lines 1-4 and col. 9, lines 41-43).

As per claim 6, which is dependent on claim 2, Barber teaches the priority of the respective critical factor is determined in accordance with said selected mode (col. 9, lines 1-4).

As per claim 22, which is dependent on claim 1, Barber teaches the graphical data further comprises data in a format that produces a non-textual image on a display screen (col. 7, lines 4-13).

As per claim 23, which is dependent on claim 22, Fodor teaches generating step uses image analysis software for converting the graphical data into a textual description of the graphical data (col. 10, lines 27-28).

As per claim 31, which is dependent on claim 1, Fodor teaches the textual description of the set of graphical data describes in words an illustrated description of the graphical data (col. 10, lines 27-28).

As per independent claims 8 and 15, they are similar in scope to claim 1; therefore, they should be rejected under similar scope.

As per claims 9 and 16, which are dependent on claims 8 and 15 (as assumed by the examiner) respectively, they are similar in scope to claim 2; therefore, they should be rejected under similar scope.

As per claims 13 and 20, which are dependent on claims 9 and 16 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar scope.

As per claims 24-26, which are dependent on claims 8 and 15, they are rejected under the same rationale as claim 22.

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As per claims 32 and 33, which are dependent on claims 8 and 15 respectively, they are rejected under the same rationale as claim 31.

6. Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Fodor.

As per claim 3, which is dependent on claim 2, modified Barber does not disclose the mode is selected according to a URL associated with the set of graphical data. The Examiner takes Official Notice that since Barber's system is that of retrieving images from an online image database (col. 2, lines 37-38), it is well known in the computer art that the selected mode is selected according a URL associated with the set of graphical data. It would have been obvious to an artisan at the time of the invention to select the mode according to a URL associated with the set of graphical data in modified Barber's system since it would make the system adaptable to the Web/Internet technology.

As per claims 10 and 17, which are dependent on claims 9 and 16 (as assumed by the examiner) respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar scope.

7. Claims 4, 5, 11, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Fodor and further in view of Hasser et al. ("Hasser", US 5,736,978).

As per claims 4 and 5, which are both dependent on claim 1, modified Barber does not disclose the step of generating said textual description further comprises the step of generating

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said textual rendition in an aural format and in a tactile format. Hasser teaches the communication of graphic data provided by tactile sensing and audio related user aids (col. 4, lines 55-63). It would have been obvious to an artisan at the time of the invention to use the teaching from Hasser of providing the communication of graphic data by tactile sensing and audio related user aids in Barber's system since it would enable modified Barber's system to be used by sight impaired people.

As per claims 11 and 18, which are dependent on claims 8 and 15 respectively, they are similar in scope to claim 4; therefore, they should be rejected under similar scope.

As per claims 12 and 19, which are dependent on claims 8 and 15 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar scope.

8. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Fodor and further in view of Discolo et al. ("Discolo", US 6,370,566).

As per claim 7, which is dependent on claim 1, modified Barber does not disclose the step of generating said textual description of the set of graphical data includes generating said textual description in accordance with one or more textual templates. Discolo discloses that at col. 22, lines 31-32. It would have been obvious to an artisan at the time of the invention to use the teaching from Discolo of generating the textual description in accordance with one or more textual templates in modified Barber's system since it would make the process run faster by retrieving the textual description directly from the textual templates.

As per claims 14 and 21, which are dependent on claims 8 and 15 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar scope.

9. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Fodor and further in view of applicant's admitted prior art.

As per claim 27, modified Barber does not disclose the graphical data is selected from a group of GIF, JPEG, and PNG type data format. Applicant's admitted prior art disclose that in page 3, lines 4-6. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of selecting graphical data from a group of GIF, JPEG, and PNG type data format in modified Barber's system since it would enable the system to work with different types of data formats.

As per claim 28, modified Barber does not disclose the set of critical factors includes characteristics of data illustrated in a displayed multi-dimensional graph. Applicant's admitted prior art disclose that in page 3, lines 10-16. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of illustrating the set of critical factors in a displayed multi-dimensional graph in modified Barber's system since it would help a user easily visualize critical factors on the multi-dimensional graph.

As per claims 29 and 30, which are dependent on claims 8 and 15 respectively, they are rejected under the same rationale as claim 28.

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Response to Arguments

10. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
June 24, 2004

Kristine Kincaid
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